

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:14-CR-023-A
)
Government,)
) FORT WORTH, TEXAS
VERSUS)
) JULY 17, 2014
CHRISTOPHER ROBERT WEAST,)
)
Defendant.) 3:30 P.M.

VOLUME 5 OF 16
TRANSCRIPT OF TELEPHONE CONFERENCE
BEFORE THE HONORABLE JOHN McBRYDE
UNITED STATES DISTRICT COURT JUDGE

A P P E A R A N C E S :

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Proceedings reported by mechanical stenography, transcript
produced by computer.

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P R O C E E D I N G S

July 17, 2014 - 3:30 p.m.

THE COURT: We're on the line.

This is a conference call between the Court and the attorneys in Number 4:17-CR-023-A (sic), United States of America versus Christopher Robert Weast.

Ms. Saleem, I understand you're on the line for the government?

MS. SALEEM: Yes, Your Honor.

THE COURT: And Ms. Saad, I understand you're on the line for the defendant?

MS. SAAD: Yes, Your Honor.

THE COURT: And my understanding is that Chris Curtis is in the room with you?

MS. SAAD: Yes, Your Honor.

THE COURT: But is not actually on the telephone line?

MS. SAAD: That's correct.

THE COURT: We have a hard time a lot of times with people being on a speakerphone. If you want to give it a try, we'll try it, and if it becomes a problem, I'll let you know and we'll have to take Mr. Curtis off.

MS. SAAD: Yes, Your Honor. I'll put it on speakerphone now.

THE COURT: Okay. Are you there, Mr. Curtis?

1 MR. CURTIS: Yes, sir, I am, Your Honor.

2 THE COURT: Okay. We'll let y'all know if there's a
3 problem, and if so, we'll have to cut you back out,
4 Mr. Curtis.

5 Is there anyone else on the line? If so, speak up.

6 Okay. I have with me the court reporter, who is
7 taking this down, and Marjorie Panter, the law clerk working
8 with me on this case.

9 I had two general subjects I wanted to cover. One
10 has to do with the courtroom setup, and the other has to do
11 with these motions that I've received, motions in limine and
12 the government's response.

13 On the courtroom setup, I've discussed with the
14 court staff the possibility of setting up in the fourth floor
15 courtroom a video arrangement where the defendant can see
16 what's going on in the courtroom and the people in the
17 courtroom could see the defendant.

18 And I'm anticipating that it would have a similar
19 setup that we had on July 8, when we were in the
20 fourth -- third -- second floor courtroom, where the defendant
21 would be permitted to speak, if the Court permitted that.
22 I wanted to particularly get the preferences of the
23 plaintiff (sic), through his attorneys, as to how you wish to
24 handle that.

25 We can have -- I suppose there are alternatives.

1 One alternative would be not to have any video between the
2 courtroom and where the defendant is, but simply have an audio
3 where the defendant could hear what's going on, and have the
4 opportunity at -- capacity to communicate to the courtroom, if
5 the Court permits it.

6 And that way the jury would not, in a sense, be
7 impressed by the fact that the defendant is being held out of
8 the courtroom for a particular purpose. I think it would be
9 apparent to the jury that there's some reason why he's being
10 held out of the courtroom.

11 And then the other alternative would be to have the
12 video setups like we had on July 8. If -- if we don't have
13 the video setups, there's no reason why the Court couldn't
14 give the jury an instruction that the defendant will not be
15 present in the courtroom because he's being represented by
16 attorneys, and that the attorneys will be conducting the trial
17 on his behalf, and that the jury is not to give any
18 consideration to the fact that the defendant's not in the
19 courtroom in reaching any decision it reaches in the case, or
20 words to that effect. Frankly, that may be the best thing
21 from the defendant's standpoint to do.

22 Do you have any thoughts, Ms. Saad, as to which
23 would be the preferred course from your client's standpoint?

24 MS. SAAD: Your Honor, I understand the Court's
25 position and the Court's ruling. As Mr. Weast's counsel, we

1 would object to the defendant not being present in the
2 courtroom under the Fifth Amendment, and also Rule 43 of the
3 Rules of Criminal Procedure, that both delineate the right to
4 the defendant being present during his trial.

5 *THE COURT:* Ms. Saad, you don't need to repeat those
6 objections every time we have a discussion that assumes that
7 the defendant will be outside of the courtroom, because I will
8 assume that you have an ongoing and continuing objection to
9 the defendant not being in the courtroom.

10 *MS. SAAD:* Thank you, Your Honor.

11 *THE COURT:* Okay. Now, can you answer my question?

12 *MS. SAAD:* Your Honor, I mean, I'm inclined
13 to -- I'd be curious to see, if we did the video conferencing
14 setup, if there was a way to do it to where the jurors were
15 not able to see that type of -- that the client is being video
16 conferenced in. That would be one question I would have as to
17 that option.

18 *THE COURT:* Say that over again, Ms. Saad. I didn't
19 understand what you said.

20 *MS. SAAD:* I'm inclined to lean toward the video
21 conferencing option.

22 *THE COURT:* Where he can be seen?

23 *MS. SAAD:* I don't know if that's an option in your
24 courtroom.

25 *THE COURT:* Okay. Let me interrupt you there a

1 minute.

2 That option is the option where he can be seen by
3 the jury in the courtroom, and he can see the jury from where
4 he's located.

5 Is that the option you're referring to?

6 MS. SAAD: No, I guess my option is to where he can
7 see what's going on in the courtroom, but that the jurors
8 can't see that he's on -- he's, you know, delegating or -- not
9 in the courtroom and on a video conferencing system, because I
10 think that would prejudice him further because he's not in the
11 courtroom, but just allowing him to be able to see the
12 witnesses that are being -- that are testifying against him
13 during the trial.

14 THE COURT: Okay. I wanted to be sure I understood
15 what you were saying you thought would be preferable and
16 you're -- I think you've made it clear. It would be that he
17 can see what's going on in the courtroom in the sense of
18 seeing the witnesses and hearing what they say, but the people
19 in the courtroom would not be able to see him.

20 That's your preference?

21 MS. SAAD: I think so, yes, Your Honor. Uh --

22 THE COURT: Okay. Now, if we go that way, I think
23 some kind of instruction would have to be given to the jury to
24 explain why he was not in the courtroom.

25 Do you have any suggestion as to what that

1 instruction might be? Or an explanation is probably a better
2 way to put it.

3 *MR. CURTIS:* We think -- this is Chris Curtis, Your
4 Honor. Can we think about that?

5 *THE COURT:* Yes. I think what we ought to do,
6 Mr. Curtis, I'm going to give y'all -- and you may want to
7 confer with your client about these options.

8 *MR. CURTIS:* Your Honor, he -- Your Honor, he won't
9 meet with us. We're having to -- we're having to do this on
10 our own, I guess is the best way to put it, Your Honor.

11 *THE COURT:* Okay. Why don't you submit to the
12 Court, through a filing with the papers in this case by 3:00
13 tomorrow, whatever instruction --

14 *MS. SAAD:* Thank you, Your Honor.

15 *THE COURT:* -- whatever instruction you think would
16 be appropriate for me to give the jury, or whatever
17 explanation you think would be appropriate for me to give to
18 the jury, and the jury panel when we're selecting the jury, to
19 explain the defendant's absence from the courtroom.

20 *MS. SAAD:* Yes, Your Honor.

21 *THE COURT:* I don't think I've ever had this happen
22 in a criminal case before. I have had it happen in a civil
23 case, and we simply instructed the jury that the defendant
24 would not be in the courtroom throughout the trial, that he
25 was represented by counsel, and that the jury should not take

1 into account in any respect in reaching a decision in the case
2 the fact that the defendant was not in the courtroom, so
3 something like that might be appropriate in this case.

4 Ms. Saleem, do you have any suggestions on the
5 subject we've been talking about?

6 MS. SALEEM: Well, I guess, Your Honor, first, we
7 would -- we would support, not only the defendant being able
8 to view the activities that are going on in the courtroom by
9 video conference, but that all parties, including the
10 witnesses and the jury, be able to view the conduct of the
11 defendant, particularly for purposes of identification of the
12 defendant by the witnesses. So we would support that he be
13 visible to the jury and to all parties in the courtroom.

14 And second, with respect to the instruction, I agree
15 with you. From a recollection of -- I believe it might have
16 been the Long case, but I can follow up, but I believe there
17 was an instruction in one of the cases that the defendant -- I
18 think the district judge stated that the defendant was not
19 present for the courtroom for non-meritorious reasons, and so
20 the Court said the jury not consider that for any reason, you
21 know, for anything to the defendant's detriment, and I believe
22 that's exactly what you've already referenced in the civil
23 case.

24 THE COURT: Okay. If you have a proposed
25 suggestion, why don't you get the wording to us in

1 something -- or, you know, the best thing that could be done
2 is for the two of you to try to agree on an instruction or
3 explanation, but if you can't agree on one, would you submit
4 separately what you think would be appropriate by 3:00
5 tomorrow?

6 *MS. SALEEM:* Yes, Your Honor.

7 *THE COURT:* By filing it.

8 Ms. Saleem has a point that there may be a need to
9 identify the defendant.

10 Do you have any suggestion as to how that might be
11 resolved, Ms. Saad?

12 *MS. SAAD:* Your Honor, off the top of my head, not
13 at this time. My concern in allowing the viewing is how it
14 could further prejudice my client.

15 I -- I would be -- and we're not in a position to be
16 able to stipulate to anything. It's --

17 *THE COURT:* Let me make a suggestion, and it would
18 have to be done next week during the week.

19 He could be -- and this assumes he wants to
20 cooperate. If he doesn't want to cooperate, we may have to do
21 things that wouldn't be as acceptable to him as other things.

22 If he would cooperate, I would allow him to put on
23 his street clothes and have a video taken of him so that -- a
24 very short one, but enough to identify who he is, and then
25 that could be shown to the witnesses as a -- asking if

1 that's -- if that's who they are talking about.

2 Would that solve your problem, Ms. Saleem?

3 *MS. SALEEM:* I believe it would, Your Honor.

4 *MS. SAAD:* Assuming, Your Honor, that the client
5 would cooperate, I think that would resolve all our concerns.

6 *THE COURT:* Okay. He's going to have to cooperate,
7 if we do that.

8 *MS. SAAD:* Yes, Your Honor.

9 *THE COURT:* So that will depend on whether he's
10 willing to cooperate with you. So sometime tomorrow morning,
11 attempt to visit with him and tell him he has a serious
12 problem that we need to deal with, and see if he wants to
13 cooperate on that basis.

14 Of course, I'm interested in hearing anything from
15 him about his willingness to cooperate and perhaps put to an
16 end the need to engage in unusual procedures in order to try
17 the lawsuit.

18 And when you file whatever you file at 3:00
19 tomorrow, Ms. Saleem (sic), tell me what his wishes are, if
20 you were able to communicate with him what his wishes are on
21 that subject, that is, the subject of having a short video
22 taken of him and either in his street clothes or however he's
23 dressed in prison. I would leave that up to him to decide how
24 he wanted to dress, but for his benefit, it may be best if he
25 were to dress in street clothes.

1 MS. SAAD: Your Honor, I think you were referring to
2 me, Ms. Saad, regarding that. I --

3 THE COURT: Did I say Ms. Saleem?

4 MS. SAAD: I'm sorry?

5 THE COURT: Did I say Ms. Saleem?

6 MS. SAAD: Yes, Your Honor. I just was clarifying
7 the record, but --

8 THE COURT: I was --

9 MS. SAAD: But I will attempt to communicate with
10 Mr. Weast. Assuming I am unable, I will -- Mr. Curtis and I
11 will attempt to provide another option in order to ensure our
12 concerns are taken into consideration.

13 THE COURT: Okay. If you would, tell me on whatever
14 you file by 3:00 tomorrow --

15 MS. SAAD: Yes, Your Honor.

16 THE COURT: -- how you want it handled, and I
17 apologize for confusing your names. That's not the first time
18 I've done it in this case.

19 MS. SAAD: No problem, Your Honor. I did want to
20 follow up on one other matter regarding the type of
21 communication we have during the trial.

22 I understand that -- obviously my request is to have
23 video conferencing, but to not allow the jurors to see the
24 client. Because he -- we are representing him, I would like
25 to be able to communicate with him in some form during the

1 trial, if he had follow-up questions of the witnesses, like
2 what happened during the competency hearing. I'm wondering if
3 there was some form of communication, either electronic
4 or -- that we could allow in the courtroom to ensure
5 communication with our client.

6 *THE COURT:* Well, why don't you make a suggestion in
7 whatever you file at 3:00. We normally don't allow cell
8 phones in the courtroom, or even in the courthouse, but it
9 occurred to me that -- you'll have two attorneys working in
10 the courtroom, you and either Mr. Curtis or Mr. Fleury?

11 *MS. SAAD:* Yes, Mr. Curtis, it will be, yes.

12 *THE COURT:* Okay. I'm going to suggest that a
13 possibility, something to consider, would be that you have a
14 person with the defendant, doesn't have to be an attorney, but
15 somebody that can communicate with him, and that person would
16 have a cell phone, and then one of you inside the courtroom
17 could go outside the courtroom and call that person and see if
18 the defendant has anything he wants to add, any contribution
19 he wants to make to the proceedings at that point.

20 Is that sort of what you had in mind?

21 *MS. SAAD:* Yes, something along those lines, Your
22 Honor.

23 *THE COURT:* If you can think of something better --
24 and, frankly, I'd like to think of something better because of
25 the time that would be consumed in doing what I'm suggesting

1 we do. And I think that may have an impact on the jury. If
2 they see that going on, they will figure out pretty fast
3 what's going on, so bear that in mind in making whatever
4 suggestion you make when you file the document that you're to
5 file by 3:00 tomorrow.

6 MS. SAAD: Yes, Your Honor. And to clarify, would
7 the Court allow a computer in the courtroom --

8 THE COURT: What would you do with that?

9 MS. SAAD: -- solely for the purpose of
10 communicating with the client?

11 THE COURT: Well, how would you communicate with him
12 on a computer?

13 MS. SAAD: My understanding, and I'd have to confirm
14 this with our IT person, is that the computer could connect to
15 the internet that would allow some type of instant
16 communication, so that would not allow for a delay in -- at
17 the end of each witness.

18 THE COURT: Are you suggesting that he be -- he be
19 able constantly to communicate with the computer at your end?

20 MS. SAAD: Yes, and we could have a staff person
21 from our office with him, so that our person is the one
22 controlling, you know, what messages are sent to us, but that
23 those messages are getting to us.

24 THE COURT: Well, that may be a possibility. So if
25 you think that -- be sure your people are able to set that up.

1 Is that a wireless thing?

2 MS. SAAD: Yes, Your Honor, that's my understanding.
3 Besides just obviously the electricity, it could be set up, I
4 think, through wireless.

5 THE COURT: Okay. Talk to your people and see if
6 something like that can be set up.

7 MS. SAAD: I'll do that, Your Honor.

8 THE COURT: Again, you're going to have to talk to
9 the defendant and see if he'll cooperate.

10 MS. SAAD: Yes, Your Honor.

11 THE COURT: And I'll need to have the answers to all
12 of those things when you file whatever you file tomorrow.

13 MS. SAAD: Yes, Your Honor.

14 THE COURT: The reason I'm moving on this now, we
15 have to make a lot of arrangements in the courtroom if we do
16 some of the things we're talking about. And on top of that,
17 we've got repair work going on in the courtroom next week
18 that's been planned for weeks, so we may have some limited
19 access some of the days next week in the courtroom.

20 Okay. Have we covered everything that you think is
21 important, Ms. Saad, on the communications between the
22 defendant and the courtroom and that sort of thing?

23 MS. SAAD: Yes, Your Honor, I believe so.

24 THE COURT: Okay. Can you think of anything else,
25 Ms. Saleem, that we need to cover?

1 *MS. SALEEM:* Not with respect to the courtroom
2 procedures, but there was a matter that I would like to bring
3 to the Court's attention.

4 *THE COURT:* Okay.

5 *MS. SALEEM:* And that is, I wanted to advise the
6 Court that I did receive, today, service of a legal or civil
7 lawsuit by Mr. Weast in connection -- I guess it's somewhat
8 connected to this case, but I have been sued by him.

9 I have contacted our office, with respect to
10 Department of Justice regarding continued representation, and
11 they are authorizing me to continue to represent the
12 government on the federal case, but I've advised defense
13 counsel that I have been sued, and I wanted to bring that to
14 the Court's attention as well.

15 *THE COURT:* What was the thing you told me before
16 that about the record?

17 *MS. SALEEM:* I'm sorry?

18 *THE COURT:* You've advised the defense counsel
19 something. Tell me again what --

20 *MS. SALEEM:* Oh, yes, Your Honor. I advised defense
21 counsel that I have been sued by Mr. Weast.

22 *THE COURT:* Okay.

23 *MS. SALEEM:* And so I also wanted to bring that to
24 the Court's attention.

25 *THE COURT:* Oh, okay. Well, that doesn't -- that's

1 not inconsistent with the counterclaim against you.

2 *MS. SALEEM:* Correct.

3 *THE COURT:* Okay. Do you think that changes the
4 posture of anything, Ms. Saleem?

5 *MS. SALEEM:* No, Your Honor, I don't. We did
6 confirm with the Department of Justice with respect to whether
7 I could continue to represent the government in the criminal
8 case, and they said, yes, that I can appear in court on this
9 federal case.

10 I've consulted with our U.S. Attorney's Office chief
11 of the civil section as well, who they confirmed that since I
12 was in the course and scope of my employment during the events
13 that are alleged by Weast in the state court action, that I'm
14 okay to continue in my prosecution, and that, I guess it would
15 be the Department of Justice Constitutional Torts Branch, is
16 supposed to be receiving some paperwork from our office
17 tomorrow for approval.

18 *THE COURT:* Is this a lawsuit filed in a state
19 court?

20 *MS. SALEEM:* Yes, sir.

21 *THE COURT:* Okay. Were y'all aware of that,
22 Ms. Saad?

23 *MS. SAAD:* Ms. Saleem notified us today, Your Honor,
24 of that.

25 *THE COURT:* I mean before she told you that.

1 MS. SAAD: No, Your Honor.

2 THE COURT: Okay. Okay. About two or three weeks
3 ago, and I lose track of time, a marshal or a deputy sheriff
4 or deputy marshal came to the courthouse here before I arrived
5 and told somebody that he had some suit papers to serve on me,
6 and whoever talked to him determined that it was a suit that
7 apparently Mr. Weast had filed. The officer left when he was
8 told I wasn't here, and I haven't heard from him since then,
9 and that's all I know about that.

10 I'm reporting that to y'all for whatever it's worth.
11 It doesn't occur to me that that changes the posture of
12 anything.

13 Okay. The next thing -- go ahead.

14 MS. SAAD: Yes, Your Honor. Along the same lines,
15 and I would want to disclose, I, along with Jason Hawkins, the
16 Federal Public Defender, have been grieved with the State Bar
17 by Mr. Weast.

18 This would have been further grounds to include in
19 our motion to reconsider appointment in this case, and I would
20 have disclosed that sooner, but we -- I just spoke with the
21 State Bar today and learned that that is something I can
22 disclose without permission from the client, and so I just
23 wanted to, I guess, put that in the record as further grounds
24 for that.

25 And the State Bar did confirm today that, at least

1 the grievance that was filed against me has been dismissed and
2 there was no appeal pending filed.

3 *THE COURT:* Okay. Okay. Well, we're all getting to
4 participate personally to some extent, apparently. I don't
5 know what his lawsuit about me was, and I'm not interested in
6 finding out, if I can avoid it.

7 *MS. SALEEM:* And, Your Honor, so I won't go into any
8 details, but I do want to advise the Court that the lawsuit
9 that I received does include a reference to your name as well.
10 I believe we've been jointly sued, but I guess I can wait
11 until --

12 *THE COURT:* That's Ms. Saleem talking?

13 *MS. SALEEM:* Yes, Your Honor, I'm sorry.

14 *THE COURT:* You don't need to tell me any more about
15 it because I frankly don't want to know about it.

16 *MS. SALEEM:* Right. And actually along the lines of
17 Ms. Saad, I also did receive a grievance by Mr. Weast. I was
18 notified by the State Bar that a grievance was filed and
19 dismissed in connection with, again, an allegation similar to
20 the counterclaim that was filed in the criminal case of
21 kidnapping.

22 *THE COURT:* Okay. Okay. Let's --

23 *MS. SALEEM:* I don't believe that those pose any
24 conflicts in my continuing to represent the government, but I
25 just wanted to make sure that that's been disclosed.

1 *THE COURT:* Okay. Now, let's go ahead and talk
2 about our motions in limine.

3 I've gone over them. The motion in limine having to
4 do with prior convictions, as I read the government's
5 response, it probably won't offer those unless something
6 happens to cause them to become relevant. So I'm going to
7 grant that motion, the motion in limine re: prior conviction,
8 with the instruction that if something happens to cause the
9 government to think that the evidence becomes -- has become
10 admissible or relevant, the government will approach the bench
11 before trying to offer it.

12 The other motion in limine concerning alleged acts
13 of misconduct or extraneous offenses and request for notice
14 and memorandum, it starts out with five basic things that the
15 motion requests.

16 The first of those is that the government -- the
17 government's attorney be instructed that all of its
18 witnesses not testify and so on to certain things. I'm
19 denying that.

20 Do you have your motion in front of you, Ms. Saad?

21 *MS. SAAD:* I do now, Your Honor.

22 *THE COURT:* You do now?

23 *MS. SAAD:* Yes.

24 *THE COURT:* I'm denying the number 1 on the first
25 page.

1 MS. SAAD: Okay.

2 THE COURT: Number 2 on the first page, I'm
3 granting on the assumption that the government has already
4 done that.

5 Do you have the motion in front of you, Ms. Saleem?

6 MS. SALEEM: Yes. Yes, Your Honor.

7 THE COURT: Have you already done what number 2
8 requests on the first page of their motion in limine
9 concerning alleged acts, so on?

10 MS. SALEEM: Yes, Your Honor. We filed that
11 yesterday or -- yes.

12 THE COURT: Okay. I'm granting that on the
13 assumption the government's already done it.

14 Okay. Number 3, hold a hearing outside of the
15 presence of the jury at which the government must show by a
16 preponderance of the evidence, I'm denying that part, the
17 number 3 part.

18 The number 4 part, I'm granting number 4 on -- and
19 the reason I'm granting it without further discussion is
20 because I understand the government's already done what that
21 requests, that is, you've given proper notice of -- the
22 government's already given proper notice of the
23 alleged -- evidence of specific acts of misconduct or
24 extraneous offenses.

25 Do you have any issue with the adequacy of the

1 notice you've been given, Ms. Saad?

2 *MS. SAAD:* No, Your Honor.

3 *THE COURT:* Okay. Now, number 5, much of the
4 evidence the government has listed in its notice is evidence
5 that is simply a part of the overall criminal conduct that's
6 charged in the indictment. I think there's some sort of magic
7 words that the cases use to describe that kind of evidence,
8 inextricably intertwined with the crime charged.

9 Almost all of what the government plans to offer is
10 of that nature, the other pornographic stuff on the computers
11 and that sort of thing. Some of it is not of that nature,
12 such as, the attempting to date the minor, taking photographs
13 of his -- was it his niece that he was taking photographs as
14 she was undressing?

15 *MS. SALEEM:* Yes, Your Honor.

16 *THE COURT:* Those things don't come within that
17 category, but you've given, in your response to the motions in
18 limine, legitimate reasons why they would be admissible under
19 404(b).

20 So when you reach those things, those kinds of
21 things, and you know what I'm talking about, which ones fall
22 in that category and which ones fall in the first category I
23 mentioned --

24 *MS. SALEEM:* Yes.

25 *THE COURT:* -- I assume the defendant will object,

1 and then I'll ask you to state the reasons why you're offering
2 that evidence on the record, and you be prepared to say why
3 you're offering it. And if you give a good reason, well, I
4 may overrule the objection. If you don't give a good reason,
5 I'll probably sustain the objection. I think that's the best
6 way to handle that.

7 *MS. SALEEM:* Thank you, Judge.

8 *THE COURT:* And then, of course, in the -- as we go
9 along, if the defendant wishes me to give a specific
10 instruction each time to the jury, I'll ask the defendant to
11 tell me what instruction that the defendant wants me to give
12 to the jury, and I'll consider whether or not to give it at
13 that time.

14 I think that sometimes is not well advised on the
15 part of the defendant to do that, and we'll include in the
16 Court's Charge a general instruction on that subject that I
17 think is the more -- the better way to do that.

18 I think that takes care of all the motions in
19 limine.

20 Is there something I haven't covered, Ms. Saad, that
21 you think should be dealt with?

22 *MS. SAAD:* No, Your Honor.

23 *THE COURT:* Okay. Anybody else have any questions
24 or comments before we get off the line?

25 *MS. SALEEM:* No, Your Honor, not from the

1 government.

2 MS. SAAD: Actually, Your Honor, given -- we would
3 like to give notice via -- during this telephone conference
4 that we will be filing additional motions tomorrow,
5 specifically a motion for leave to file a late motion to
6 suppress and a motion for leave to file a late notice of
7 expert.

8 THE COURT: Late notice of what?

9 MS. SAAD: A motion for -- a notice of expert.

10 THE COURT: Oh, expert, okay.

11 MS. SAAD: Yes, Your Honor.

12 THE COURT: Well, you're certainly welcome to file
13 notices of leaves to file whatever you want to file, and then
14 I'll have to rule on them.

15 Because of the time element, Ms. Saleem, be prepared
16 to respond to each of those motions no later than, oh, say
17 noon Monday --

18 MS. SALEEM: Yes, Your Honor.

19 THE COURT: -- so we can move ahead on them.

20 MS. SALEEM: Yes, Your Honor.

21 THE COURT: Anything else?

22 MS. SAAD: No, sir.

23 THE COURT: Okay. Thank y'all for being on the
24 line.

25 MS. SALEEM: Thank you, Your Honor.

1 MR. CURTIS: Thank you, Your Honor.

2 MS. SAAD: Thank you.

3 (End of Proceedings)

4 **REPORTER'S CERTIFICATE**

5 I, Debra G. Saenz, CSR, RMR, CRR, certify that the
6 foregoing is a true and correct transcript from the record
7 of proceedings in the foregoing entitled matter.

8 I further certify that the transcript fees format
9 comply with those prescribed by the Court and the Judicial
10 Conference of the United States.

11 Signed this 15th day of January, 2015.

12
13 /s/ Debra G. Saenz

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